

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RONALD A. KATZ TECHNOLOGY
LICENSING, L.P.,

Plaintiff,

v.

TD BANKNORTH INC.; EXPERIAN
INFORMATION SOLUTIONS, INC.;
COMERICA INCORPORATED; COMERICA
BANK & TRUST, NATIONAL
ASSOCIATION; COMERICA SECURITIES,
INC.; CERIDIAN CORPORATION;
COMDATA CORPORATION; DILLARD'S,
INC.; DILLARD INVESTMENT CO., INC.;
LASALLE BANK CORPORATION; LASALLE
BANK NATIONAL ASSOCIATION;
LASALLE FINANCIAL SERVICES, INC.;
ABN AMRO MORTGAGE GROUP, INC.,

Defendants.

Civil Action No. 06-CV-544 (GMS)

JURY TRIAL DEMANDED

**NOTICE OF FILING OF DOCUMENTS
BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

PLEASE TAKE NOTICE that Defendants LaSalle Bank Corporation, LaSalle Bank National Association, LaSalle Financial Services, Inc. and ABN AMRO Mortgage Group, Inc. (collectively "LaSalle") filed the documents attached as Exhibit A before the Judicial Panel on Multidistrict Litigation on November 6, 2006. The attached documents are relevant to the following civil actions pending in the District of Delaware before Judge Sleet: 06-CV-543-GMS, 06-CV-544-GMS, 06-CV-545-GMS, 06-CV-546-GMS, 06-CV-547-GMS.

Dated: November 7, 2006

By: /s/ Richard K. Herrmann

Richard K. Herrmann #405

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2006, I electronically filed the foregoing document, **NOTICE OF FILING OF DOCUMENTS BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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Additionally, I hereby certify that on the 7th day of November, 2006, the foregoing document was served email and via hand delivery on the above referenced attorneys and via email on the following non-registered participants:

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EXHIBIT A

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JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:)
)
Katz Technology Licensing Patent Litigation) MDL Docket No. 1816
)
)

**OPPOSITION OF LASALLE BANK CORPORATION,
LASALLE BANK NATIONAL ASSOCIATION,
LASALLE FINANCIAL SERVICES, INC., AND
ABN AMRO MORTGAGE GROUP, INC.
TO TARGET'S MOTION FOR TRANSFER AND
CONSOLIDATION OF KATZ TECHNOLOGY LICENSING
PATENT LITIGATION PURSUANT TO 28 U.S.C. § 1407**

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ABN AMRO Mortgage Group, Inc.*

Defendants LaSalle Bank Corporation, LaSalle Bank National Association, LaSalle Financial Services, Inc., and ABN AMRO Mortgage Group, Inc. (collectively "LaSalle"), named defendants in Civil Action No. 06-CV-544 in the United States District Court for the District of Delaware, oppose the Motion for Transfer and Consolidation of Katz Technology Licensing Patent Litigation (the "Motion") filed by Target Corporation, Target Bank, and Target National Bank (collectively "Target").

LaSalle opposes the Motion, because Target has failed to establish that all of the factors necessary for consolidation under 28 U.S.C. § 1407 exist. Consolidation is only appropriate if: (1) the actions involve one or more common questions of fact; (2) the transfer would further the just and efficient conduct of the actions; and (3) the transfer would serve the convenience of the parties and witnesses. None of these factors exist with respect to the pending Katz actions, and thus the Motion should be denied.

First, the 25 pending actions do not present common questions of fact, because different claims of different patents are asserted in the various actions, and the accused technologies of each of the 168 defendants (or groups of defendants) are highly disparate. Attempting to maintain a single action with substantial non-overlapping issues will increase discovery costs for the parties, require a significant investment of the court's time and resources, and impede, rather than enhance, judicial economy.

Second, transfer would not further the just and efficient conduct of the actions, given that the actions are at very different stages of litigation. Two actions in the Texarkana division have been pending since July 2005, but the remaining actions were filed over a year later, in August or September of 2006. Consolidation would result in significantly delaying the Texarkana actions, thus prejudicing the parties to those actions who undoubtedly desire resolution as soon as

possible. With only two districts and three judges involved, formal consolidation is not needed in order to minimize the possibility of duplicative discovery and /or inconsistent rulings in pre-trial proceedings.

Third, transfer will not serve the convenience of the parties and witnesses. Transfer to the Central District of California or the Eastern District of Texas is detrimental to LaSalle. The inconvenience, additional cost and availability of witnesses weigh against transferring the action. LaSalle Bank Corporation and LaSalle Financial Services, Inc. are Delaware corporations, and share a principal place of business in Chicago, Illinois with LaSalle Bank National Association. ABN AMRO Mortgage Group, Inc. is a Delaware corporation having a principal place of business in Ann Arbor, Michigan. Thus, they are largely based in the East Coast, and conduct their business from the Mid-West. Although the litigation is in its early stages and not all witnesses have been identified yet, LaSalle anticipates most of its witnesses will come from the Mid-West or the East Coast, and thus Delaware will be more convenient for them as well.

In addition to the above-stated reasons opposing consolidation, LaSalle responds to the averments made by Target in its Motion as follows:

1. LaSalle admits that the Motion requests the transfer and consolidation of multiple actions (“the Actions”) currently pending in two judicial districts for alleged patent infringement. LaSalle admits that these actions were filed by Ronald A. Katz Technology Licensing, L.P. (“Katz”) and that twenty-three (23) of the Actions were filed within the last two months (the “Newly Filed Actions”). LaSalle denies that these are the only actions implicated by the Motion since an additional action was also filed by Katz, *Ronald A. Katz Technology Licensing, L.P. v. Genesys Conferencing, Inc., et al.*, 5:06-CV-187 (E.D. Tex.) (Texarkana Division), that was apparently inadvertently omitted.

2. LaSalle admits, on information and belief, that Katz is a limited partnership organized under the laws of the State of California and having a principal place of business in Los Angeles, California. LaSalle also admits that Ronald A. Katz purports to be the founder of Katz and is the sole named inventor of each of the patents asserted in the Actions.

3. LaSalle admits each of the Actions involves a series of related patents that Katz refers to as the “interactive call processing patents.” LaSalle denies that the same patents are involved in each of the Actions, because in most of the Actions different patents are asserted against the individual defendants. LaSalle admits that according to Katz more than 50 United States patents have issued to Katz for his claimed inventions in the interactive call processing field, including the twenty-seven (27) patents collectively asserted in the various Actions.

4. LaSalle admits that in each of the Actions, Katz asserts that the defendants infringe selected interactive call processing patents by making, using, offering to sell, and/or selling automated telephone systems.

5. LaSalle admits that at least two courts have previous experience with Katz’s interactive call processing patents, and that several of the patents asserted against Target were previously asserted against AT&T Corporation and related companies in the United States District Court for the Eastern District of Pennsylvania in 1997. *See Katz v. AT&T Corp.*, 63 F. Supp. 2d 583 (E.D. Pa. 1999) (the “AT&T case”). LaSalle further admits that in connection with the AT&T case, District Judge Lowell A. Reed issued a 63-page claim construction order construing claim terms from five of the patents asserted in that litigation.

6. LaSalle admits that fourteen (14) of the patents involved in the various Actions were also the subject of a declaratory judgment action and related counterclaim in the United States District Court for the Central District of California in *Verizon Cal., Inc. v. Ronald A. Katz Technology Licensing, L.P.*, No. 1-CV-9871 (C.D. Cal.) (the “Verizon case”). LaSalle admits

that in the *Verizon* case, District Judge R. Gary Klausner spent approximately three (3) years presiding over the dispute in the *Verizon* case until it settled approximately one month before trial was set to commence.

7. LaSalle admits that Judge Klausner construed some of the same claim terms involved in the *AT&T* case as well as many other terms of the interactive call processing patents not previously addressed by Judge Reed. *See Verizon Cal., Inc. v. Ronald A. Katz Tech. Licensing, L.P.*, 326 F. Supp. 2d 1060 (C.D. Cal. 2003).

8. LaSalle admits that Judge Klausner decided cross-motions for summary judgment in the *Verizon* case in December 2003, granting-in-part and denying-in-part both Katz's motion for summary judgment of infringement and Verizon's motion for summary judgment of non-infringement, prosecution laches and invalidity. *Verizon Cal., Inc. v. Ronald A. Katz Technology Licensing, L.P.*, No. 01-CV-09871 RGK, 2003 U.S. Dist. LEXIS 23553 (C.D. Cal. Dec. 2, 2003). LaSalle admits that as part of his summary judgment order, Judge Klausner further construed claim terms clarifying certain of his prior constructions and construing other terms for the first time.

9. LaSalle admits that in July 2005 Katz filed an additional suit asserting twenty-two (22) of the interactive call processing patents in *Ronald A. Katz Technology Licensing, L.P. v. Citibank, N.A., et al.*, No. 5:05-CV-142 (E.D. Tex.) (Texarkana Division) ("the *Citibank* case"). LaSalle further admits that in August 2006, Judge Folsom entered an order limiting the number of patents and claims asserted in the *Citibank* case from twenty (20) patents and over eight hundred (800) claims to sixteen (16) patents and eighteen (18) claims. The *Citibank* court then severed and stayed the litigation as to the remaining patents and claims Katz originally asserted.

10. LaSalle admits that on August 21, 2006, Katz filed six additional actions in three different divisions of the United States District Court for the Eastern District of Texas. LaSalle

further admits that the district court in the Lufkin Division *sua sponte* split two of these actions into fifteen separate actions so that there are approximately twenty actions currently pending in the Eastern District of Texas, pending possible further proceedings.

11. LaSalle admits that on September 1, 2006, five additional actions were filed on behalf of Katz in the United States District Court for the District of Delaware ("D. Del."), primarily against defendants incorporated in the State of Delaware. These actions are all assigned to the Honorable Gregory M. Sleet.

12. LaSalle admits that all of the pending Actions were filed in federal court.

13. LaSalle admits that each of the Actions alleges infringement of various patents from Katz's interactive call processing patent portfolio. LaSalle admits that there appears to be an overlap with the patents asserted in a number of Actions, but denies that the same patents are asserted against all of the defendants or that the same claims of these patents will be at issue in each of the Actions.

14. LaSalle admits that there may be some overlap in the defenses asserted in the various actions including defenses relating to the invalidity and unenforceability of at least part of the asserted patents. LaSalle denies that there is complete overlap in these defenses, particularly since different patents and individual patent claims may be asserted against individual defendants and/or particular industries by group in the individual Actions.

15. LaSalle admits that, at the time of the filing of Target's Motion for Transfer and Consolidation, no answers had been filed in the Newly Filed Actions. Since the filing of Target's Motion for Transfer and Consolidation, however, virtually all answers have been filed with respect to the Newly Filed Actions. LaSalle denies that none of the Actions have progressed, however, since it is LaSalle's understanding that in the *Citibank* case, nearly ten months of discovery has occurred, with the parties producing over 400,000 pages of Bates-

labeled material and over 42 million pages of native format materials. In addition, briefs have been submitted addressing the particular claim construction issues disputed in that action and the parties participated in a full *Markman* hearing on September 20, 2006.

16. LaSalle admits that in the *Citibank* case, an Amended Docket Control Order dated May 8, 2006, indicates that summary judgment motions are due to be filed in February 2007 and that trial has been set for May 2007.

17. LaSalle admits that no dispositive rulings have been made in the *Citibank* or *Discover* cases, but deny that all of the Actions are at substantially the same procedural stage.

18. LaSalle admits that a claim construction hearing was conducted in the *Citibank* case on September 20, 2006 and that a ruling on the construction of the disputed terms is under advisement. LaSalle also admits that Target filed an emergency motion in the *Citibank* case, requesting that the Court consolidate the *American Electric* case (Target is a named defendant in *Ronald A. Katz Technology Licensing, L.P. v. American Electric Power Company, Inc., et al.*, No. 5:06-CV-188 (E.D. Tex., Texarkana Division)) with the *Citibank* case solely for the purpose of claim construction and requested continuation of the claim construction process for a period sufficient to allow Target to engage meaningfully in the claim construction process. LaSalle also admits that American Airlines filed a similar motion in *Ronald A. Katz Technology Licensing, L.P. v. American Airlines, et. al.*, No. 2:06-CV-334 (E.D. Tex., Marshall Division) and that both motions were denied due to the imminence of the claim construction hearing.

19. LaSalle admits that Judge Klausner has experience with the Katz interactive call processing patents based on his experience with the *Verizon* case but denies that Judge Klausner is the only Judge having experience with these patents in light of the litigation histories summarized previously.

20. LaSalle admits that the Actions may involve some common questions of fact but denies that any potentially common issues of fact will necessarily be predominant among the various Actions in light of differences in the patents asserted in individual actions, and the individual claims that may be asserted against selected industries as currently grouped in the actions filed in Delaware, for example.

21. LaSalle admits that there may be some overlap in the proofs related to the issue of damages in the various actions but denies that these issues are predominant in any action, particularly as the parties have been grouped in the various actions pending in the District of Delaware by industry type.

22. LaSalle denies that transfer and consolidation is necessary in order to eliminate potentially inconsistent rulings, particularly since a claim construction hearing has already been held in the *Citibank* case. To the extent there may be any overlap in the claims and issues presented in that action, with any claims asserted in the additional Actions, any potentially inconsistent rulings or potential duplication of judicial resources may be avoided through conventional case management mechanisms.

23. LaSalle denies that transfer and consolidation will minimize costs and inconvenience.

WHEREFORE, for the foregoing reasons, LaSalle respectfully requests that this Panel deny Target's Motion for Transfer and Consolidation of Related Katz Patent Litigation, in favor of the underlying actions going forward in the respective jurisdictions as presently configured.

Dated: November 6, 2006

Respectfully submitted,


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JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:)
)
Katz Technology Licensing Patent Litigation) MDL Docket No. 1816
)
)

**CORPORATE DISCLOSURE STATEMENTS OF
LASALLE BANK CORPORATION, LASALLE BANK NATIONAL ASSOCIATION,
LASALLE FINANCIAL SERVICES, INC., AND
ABN AMRO MORTGAGE GROUP, INC.**

Pursuant to Rule 5.3 of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation, LaSalle Bank Corporation, LaSalle Bank National Association, LaSalle Financial Services, Inc., and ABN AMRO Mortgage Group, Inc. hereby submit their corporate disclosure statements.

LaSalle Bank Corporation is owned by ABN AMRO North America Holding Company, which is owned by ABN AMRO Bank N.V., which is owned by ABN AMRO Holding N.V. LaSalle Bank National Association and LaSalle Financial Services, Inc. are owned by LaSalle Bank Corporation. ABN AMRO Mortgage Group, Inc. is owned by LaSalle Bank Midwest National Association, which is owned by LaSalle Bank Corporation. No publicly held corporation owns 10% or more of the stock of ABN AMRO Holding N.V.

Dated: November 6, 2006

Respectfully submitted,



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JUDICIAL PANEL ON
MULTIDISTRICT
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

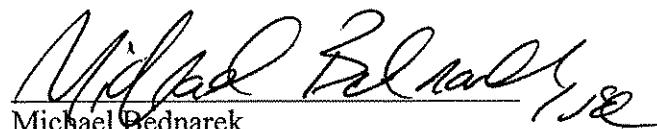
In re:)
Katz Technology Licensing Patent Litigation) MDL Docket No. 1816
)
)

**NOTICE OF APPEARANCE AND DESIGNATION OF COUNSEL FOR LASALLE
BANK CORPORATION, LASALLE BANK NATIONAL ASSOCIATION, LASALLE
FINANCIAL SERVICES, INC., AND ABN AMRO MORTGAGE GROUP, INC.**

LaSalle Bank Corporation, LaSalle Bank National Association, LaSalle Financial Services, Inc., and ABN AMRO Mortgage Group, Inc. hereby designate the undersigned counsel to represent them before this Panel, and the undersigned hereby appears on their behalf.

Dated: November 6, 2006

Respectfully submitted,



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JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:)
)
Katz Technology Licensing Patent Litigation) MDL Docket No. 1816
)
)

PROOF OF SERVICE

The undersigned hereby certifies that I caused true and correct copies of the attached documents:

(1) OPPOSITION OF LASALLE BANK CORPORATION, LASALLE BANK NATIONAL ASSOCIATION, LASALLE FINANCIAL SERVICES, INC., AND ABN AMRO MORTGAGE GROUP, INC. TO TARGET'S MOTION FOR TRANSFER AND CONSOLIDATION OF KATZ TECHNOLOGY LICENSING PATENT LITIGATION PURSUANT TO 28 U.S.C. § 1407;

(2) CORPORATE DISCLOSURE STATEMENTS OF LASALLE BANK CORPORATION, LASALLE BANK NATIONAL ASSOCIATION, LASALLE FINANCIAL SERVICES, INC., AND ABN AMRO MORTGAGE GROUP, INC.; and

(3) NOTICE OF APPEARANCE AND DESIGNATION OF COUNSEL FOR LASALLE BANK CORPORATION, LASALLE BANK NATIONAL ASSOCIATION, LASALLE FINANCIAL SERVICES, INC., AND ABN AMRO MORTGAGE GROUP, INC.

to be served on each party or counsel of record listed on the attached service list by United States First Class Mail, postage prepaid, on the 6th day of November, 2006.

Ashley Robertson

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**IN RE: KATZ TECHNOLOGY LICENSING PATENT LITIGATION
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Co.; American General
Assurance Co.; American
General Indemnity Co.;
American General Life &
Accident Ins. Co.; American
General Life Ins. Co.; The
Variable Annuity Life Ins. Co.;
VALIC Financial Advisors, Inc.;
VALIC Retirement Services Co.;
21st Century Ins. Group; 21st
Century Ins. Co.; 21st Century
Casualty Co.

**IN RE: KATZ TECHNOLOGY LICENSING PATENT LITIGATION
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